

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:

**RIGHT OF WAY MAINTENANCE
EQUIPMENT COMPANY,**

DEBTOR.

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Chapter 11

Case No. 09-35037

**ORDER GRANTING DEBTOR'S EXPEDITED
MOTION FOR USE OF CASH COLLATERAL**

RIGHT OF WAY MAINTENANCE EQUIPMENT COMPANY ("Debtor" or "ROWMEC") has filed a Expedited Motion for Use of Cash Collateral (the "Motion"). The Court has considered the Motion and such responses as have been filed. The Court conducted a hearing and has considered the evidence and arguments of counsel.

The Court finds that it has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157 and 1334. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).

The Court also finds that notice of this Motion was adequate and appropriate under the Bankruptcy Rules.

Based upon the Motion, responses, evidence submitted at the hearing and argument of counsel, it is

ORDERED that ROWMEC, Bandas and Cambridge are directed to file a joint motion for an order in the State Court Litigation within three business days of the entry of this order requesting withdrawal of the funds in the State Court Registry. The automatic stay is modified solely for the purpose of permitting such motion to be filed. It is further

ORDERED that \$390,112.56 due under the Cambridge Agreement as of the Filing Date

be deposited into the registry of this Court. If the Court ultimately determines that the lien of Cambridge/Bandas is valid, binding and enforceable, such lien is more than protected by such funds. It is further

ORDERED that the balance of the funds removed from the State Court Registry be turned over to ROWMEC for its use in the ordinary course of its business. It is further,

ORDERED that ROWMEC is permitted to use and sell its inventory and equipment in the ordinary course of its business.

Signed this ____ day of August 2009.

**HONORABLE KAREN K. BROWN,
UNITED STATES BANKRUPTCY
JUDGE**